

State of California

Energy Resources Conservation and Development Commission

In the Matter of:) Docket No. 08-AFC-4
)
Application for Certification) AMENDED CONDITION OF
for the Orange Grove Energy Project) CERTIFICATION

Staff recommends that Soil & Water 4, as drafted and entered into the record on December 19, 2008, be revised to be consistent with the Commission's exclusive permitting authority for power plants. As the Warren-Alquist Act states, "The issuance of a certificate by the commission shall be in lieu of any permit ... required by any state, local or regional agency" (Pub. Resources Code § 25500.) Staff suggests the following changes to Soil & Water 4. Staff has contacted the applicant about the proposed revisions and understands the applicant concurs with them.

SOIL & WATER -4 - Prior to site mobilization and construction, the project owner shall submit grading plans containing all documentation and plans as normally required for the county's grading permit to the CBO for approval and to San Diego County for review and comment. The CBO shall consider County input, if provided, before deciding whether to approve the grading plans. All grading plans and documentation shall be consistent with the project DESCP and the SWPPPS developed in compliance with the project conditions of certification and the NPDES permit for construction and industrial activities.

Verification - At least 90 days prior to the start of site mobilization, the project owner shall submit grading plans containing all documentation and plans as normally required for the county's grading permit to the CBO and to San Diego County. Project mobilization and construction shall not proceed until the CBO has reviewed and approved the grading plans.

ORIGINAL

SOIL & WATER-4: Prior to site mobilization and construction, the project owner shall submit a grading packet to the county of San Diego containing all documentation, plans, and fees normally required for the county's grading permit, with copies to the CPM. Project mobilization and construction shall not proceed until the county of San Diego issues an approval document, equivalent to the county's grading permit, and the CPM provides written concurrence.

Proof of Service (Revised ^{10/23/08}) filed with original.
Mailed from Sacramento on 1-30-09.

Verification: At least 90 days prior to the start of site mobilization, the project owner shall submit a grading packet to the San Diego County Department of Public Works containing all documentation, plans, and fees normally required for the county's grading permit. Copies of all documents and information submitted by the project owner to the city, and any correspondence and permitting document(s) or approvals received by the project owner, shall be provided to the CPM within 10 days of submittal or receipt by the project owner. All grading plan and permit equivalent requirements or recommendations shall be consistent with the project DESCP and the SWPPPs developed in compliance with the project conditions of certification and NPDES permits for construction and industrial activities. Project mobilization and construction shall not proceed until the required San Diego County grading permit equivalent document is issued by the county and the CPM provides written concurrence.

Date: January 30, 2009

Respectfully submitted,

_____/s/_____

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